JANUARY 3, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

8 <b>C.45</b> <sub>LEWIS CATO,</sub>		)
	Plaintiff,	) Formerly Case No. 20074001802
v PERRY PAINTER,	<b>.</b>	) In the Circuit Court of Cook County, ) Illinois, Municipal Department )
	Defendant.	) JUDGE GUZMAN MAGISTRATE JUDGE VALDEZ

## **NOTICE OF REMOVAL OF A CIVIL ACTION**

To: Clerk of the Court
Circuit Court of Cook County
Richard J. Daley Center
Room 1001
Chicago, Illinois 60602

Lewis Carter, *Pro Se* 5519 West 25th Streett, #7 Cicero, Illinois 60804

The United States of America, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Municipal Department, Chicago, Illinois, to the United States District Court, Northern District of Illinois, pursuant to 28 U.S.C. §2679, and in support states:

- 1. On September 14, 2007, plaintiff Lewis Cato filed a breach of contract claim against defendant Perry Painter, a United States Postal Service employee, alleging that the Postal Service lost several DVDs and would not reimburse him for their cost. The Postal Service was served with a summons and copy of the complaint on December 19, 2007. Copies of all process, pleadings and orders served upon the Postal Service are attached pursuant to 28 U.S.C. §1446(a) as Exhibit A.
- 2. This Notice of Removal is filed in accordance with 28 U.S.C. §2679(d) upon certification by the designee of the Attorney General of the United States, that the defendant, Perry Painter, was

acting within the scope of his employment as a federal government employee at the time of the incident out of which the claim arose. *See* Certification attached as Exhibit B.

- 3. Notice of removal may be filed without bond at any time before trial. Trial has not been had in this action.
- 4. Pursuant to the Certification by the Attorney General's designee and the filing of this Notice of Removal, this civil action shall be deemed an action against the United States under 28 U.S.C. §2679, and the United States shall be substituted as the party defendant.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois, is properly removed to this United States District Court pursuant to 28 U.S.C. §2679(d).

Respectfully submitted,

PATRICK J. FITZGERALD United States Attorney

By: s/Pierre C. Talbert
PIERRE C. TALBERT
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-4088
pierre.talbert@usdoi.gov

Dated: January 3, 2008